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3 **UNITED STATES DISTRICT COURT**
4 **NORTHERN DISTRICT OF CALIFORNIA**

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6 IN RE: LITHIUM ION BATTERIES
ANTITRUST LITIGATION

Case No. 4:13-md-02420-YGR (DMR)

7 **ORDER REQUIRING FURTHER SUBMISSIONS**
8 **CONCERNING OSC RE: CONTEMPT**

9 This Order relates to the
10 Indirect Purchaser Plaintiffs

Dkt. Nos. 1982, 2020, 2025

11 On November 15, 2017, this Court issued its Order to Show Cause why third party Simplo
12 Technology USA Logistic Company Ltd. (“Simplo USA”) should not be held in contempt for its
13 refusal to comply with the Court’s Order of November 1, 2017 Order Denying Simplo US’s
14 motion for stay pending appeal (Dkt No. 2012). Simplo USA filed a written response to the Order
15 to Show Cause, and The Court heard oral argument on November 21, 2017. Based upon the
16 discussion on the record, the Court **ORDERS** as follows:

17 1. Third party Simplo USA shall submit a declaration of counsel Helen Yang
18 concerning her decision to file a motion to quash a subpoena directed to Simplo USA in the
19 District of Wyoming rather than in this action, in light of the standards of professional conduct in
20 the Northern District of California’s Civil Local Rule 11-4 and its Guidelines for Professional
21 Conduct.¹ (See, e.g., Guidelines at ¶ 9 (“A lawyer should conduct discovery in a manner
22 designed to ensure the timely, efficient, cost effective and just resolution of a dispute.”).) Such
23 declaration shall be filed no later than **November 28, 2017**.

24 2. A person with knowledge regarding production to date of the Simplo Taiwan data
25 shall submit a declaration verifying the response to the requests for production and stating: when
26 compilation of the responsive data was started and by whom; the time incurred in compilation of the
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¹ The Guidelines can be found on the Northern District website at:
https://www.cand.uscourts.gov/professional_conduct_guidelines.

1 responsive data provided to date; what responsive data was produced and what was responsive
2 data was not produced; and why otherwise responsive data was not produced or does not exist.
3 Such declaration shall be filed no later than **November 30, 2017**.

4 IPPs may file a motion for sanctions, limited in scope to issues after ruling by Magistrate
5 Judge Ryu. IPPs Motion for Sanctions shall be filed by **December 1, 2017**. Simplo USA shall file
6 its response no later than **December 15, 2017**. IPPs shall file their reply no later than **December**
7 **22, 2017**. Hearing on the motion will be set for **January 9, 2018, at 2:00 p.m.** in Courtroom 1.

8 The Court will determine whether the submissions are sufficient or whether an evidentiary
9 hearing is necessary.

10 **IT IS SO ORDERED.**

11 Dated: November 21, 2017


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT JUDGE